

**ZB# 72-20**

**Dr. Hugh Hunsinger**

**46-4-3**

72-20  
Dn. Hugh  
Hunsinger

Yolmar

file

Given to Patricia De Leo, Secretary to the New Windsor  
Zoning Board of Appeals on \_\_\_\_\_  
(date)

Filed 12/11/72  
12:30 P.M.

Received — \_\_\_\_\_

List of Inclusions Taken:

Application for Variance dated Oct. 19, 1972 - # 72-20

Letter to Atty Bloom -  
dated Dec 1, 1972

Letter from O/C Planning Dept. **Oxford**  
dated Nov. 6, 1972

**STOCK No. 752 1/2**

Legal Ad dated 10/27/72 • • • •  
MADE IN U.S.A.

Correspondence to Mr. Daniel Bloom from T/Assessor  
re: Listing of dated Sept. 22, 1972  
property, woods

Correspondence from Atty Bloom  
dated October 19, 1972

Public Notice of Hearing - Nov. 6, 1972

Certified Receipts - white - 9  
green - 10

Returned: \_\_\_\_\_  
date

72-20  
D. H. Hunsinger

Yolman

**PUBLIC NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS**  
**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing pursuant to Section 48-33 (A) of the Zoning Ordinance on the following proposition:  
 Appeal No. 20-77  
 Request of: HUGH R. HUNTINGER, DDS for a Variance of the regulations of the Zoning Ordinance to permit use of premises for professional office space being a Variance of Article 48, Section 7, for property contracted to be sold to him, situated as follows: No. 537 Blooming Grove Turnpike (Rt. 1) (also known and described as Route 94 (46-43))  
 SAID HEARING will take place on the 6th day of Nov., 1977, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 8 o'clock P.M.  
**FRED WYKANT**  
 Chairman  
**By: PATRICIA DELIO**  
 Secretary  
 Oct. 27

**State of New York**  
**County of Orange, ss:**

Olga Trachewsky, being duly sworn deposes and she  
 says that he is Principal Clerk of Newburgh-Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published .....  
 One Time  
 in said newspaper, commencing on the 27th day of  
 October A.D., 19 72, and ending on  
 the 27th day of October A.D., 19 72

**Subscribed and sworn to before me this**  
 31st day of October 19 72

*Olga Trachewsky*  
*Barbara J. Weidner*  
 Notary Public of the State of New York, County of Orange.  
 MY COMMISSION EXPIRES MARCH 30, 19 74

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 72-20  
Date: Oct. 19, 1972

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (~~Was~~) HUGH R. HUNSINGER, DDS of Rt. 94, P.O. Box, Vails Gate  
(Street & Number)  
New York HEREBY MAKE  
(State)

APPLICATION FOR A VARIANCE:

- A. Location of the Property 537 Blooming Grove Turnpike (RB)  
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) (48-7) and (48-9) B(5)
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: With the exception of the premises in question and four other houses, all structures within a radius of 500 feet and more of the instant premises are utilized primarily for commercial purposes.
  2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: (Same as above.) In addition, the purpose for which the present application is made will, if permitted by this Board, increase the intrinsic fair market value of the premises in question as well as enhance the general appearance of the building itself, inasmuch as appropriate remodeling is contemplated in order to render the premises suitable for use as business offices.
  3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: The general character of the surrounding properties as well as the general nature of the neighborhood in which the subject premises are located have changed over the past ten years from one of a residential to a commercial type.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The overwhelming majority of the surrounding buildings as well as the general nature of the neighborhood are presently commercial.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: The Zone has gradually evolved over the past ten years into a "DeFacto", commercial zone.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

The property is presently improved by a one-family residential building. The applicant herein contemplates utilizing said structure, subject to the approval of this Board and other appropriate municipal authorities, for rental to individuals or corporate entities to be used by them as professional office space.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 l&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application

Dated: October 19, 1972.

  
Signature of Applicant

Hugh R. Hunsinger, DDS

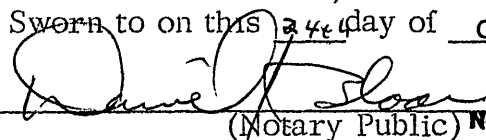
STATE OF NEW YORK) SS.:  
COUNTY OF ORANGE)

Sworn to on this 24th day of October, 1972.

Rt. 94, P.O. Box  
Vails Gate, New York 12584  
Address

(914) 561-8093

Telephone Number

  
(Notary Public)

DANIEL J. BLOOM  
Notary Public, State of New York  
Residing in Orange County  
Commission Expires March 31, 1973

(DO NOT WRITE IN THIS SPACE)

Application No. 72-20  
Date of Hearing Nov. 6th/72  
Date of Decision Nov. 27/72

Date Received Oct. 19/72  
Notice Published Oct. 27/72

DECISION:  
granted.

Forge Hill Road  
New Windsor, N. Y. 12550  
December 1, 1972

Daniel J. Bloom, Esq.  
Route 94 - Box 477  
Vails Gate, New York 12584

Re: Application for Variance #72-20  
Dr. Hugh Hunsinger

Dear Dan:

Please be informed that the above application for a variance was granted at November 27th meeting of the Zoning Board of Appeals. Hope this decision did not come too late for your client, Dr. Hunsinger.

Yours truly,

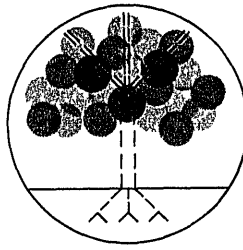
FRED WYGANT, Chairman  
By: Patricia Delio, Secretary

/pd

cc: Howard Collett, Bldg. Inspector  
Theodore F. Marsden, Supervisor

# Department of Planning

Peter Garrison, AIP, Commissioner  
Edwin J. Garling, AIP, Deputy Commissioner



The County Building  
Goshen, New York 10924  
(914) 294-5151

# County of Orange

Louis V. Mills, County Executive

November 6, 1972

Mr. Fred Wygant, Jr., Chairman  
Town of New Windsor Zoning Board of Appeals  
Forge Hill Road  
New Windsor, New York 12550

Re: Use Variance - Hunsinger - Route 94

Dear Mr. Wygant:

This office is in receipt of the above variance request. In accordance with the provisions of Sections 239, L and M, of the General Municipal Law, we have made our review.

1. Although the property is situated in an RB district, an LB designation is directly across from the site. In spite of these zoning designations, the surrounding neighborhood is almost entirely residential with a few commercial uses located near Ceasar's Lane and Route 94. However, some professional-type uses seem to be making inroads in this area and along other portions of Route 94.
2. To approve this type of use as a professional office would amount to an amendment to the ordinance, since the present zoning is intended to permit primarily residential uses.
3. No real hardship has been demonstrated by the applicant.

Although there may be some justification in permitting this type of use in the area, we feel that the matter should be taken up by the Town Board and not the Zoning Board since the request seems to be, in our opinion, one of a legislative nature requiring a zone change or amendment. County approval is hereby denied.

Should the Town be inclined to act favorably, it should do so by re-designating the LB district to include the applicant's land.

Very truly yours,

*Edwin J. Garling*

Edwin J. Garling  
Deputy Commissioner of Planning

EJG:mj

cc: Daniel Bloom, Esq.

Supervisor Marsden

Reviewed by: Joel Shaw, Sr. Pl.





OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
September 22, 1972 <sup>(914) 565-8808</sup>

Mr. Daniel J. Bloom  
Vails Gate, New York 12584

RE: Clarence E. Yeoman Property  
537 Blooming Grove Turnpike New Windsor

Dear Mr. Bloom:

According to my records, the attached list of property owners are within the five hundred (500) feet of the area you inquired about.

The charge for this service is \$15.00. Please remit same to the Town Clerk, making the check payable to Town Clerk, Town of New Windsor.

Respectfully,

A handwritten signature in cursive script that reads "Ellsworth E. Weyant".

ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

EEW/pk

Enc.



Yeoman Property

1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808  
September 22, 1972

- ✓ Finklestein, Benjamin H. ✓  
560 & 562 Blooming Grove Turnpike ✓  
New Windsor, New York 12550 ✓
- ✓ Johnson, Howard E. & Pearl M. ✓  
53 Willow Lane ✓  
New Windsor, New York 12550 ✓
- S D C Realty Corp. ✓  
558 Blooming Grove Turnpike ✓  
New Windsor, New York 12550 ✓
- ✓ Bradley, Terrence E. & Mary E. ✓  
543 & 545 Blooming Grove Turnpike ✓  
New Windsor, New York 12550 ✓
- ✓ Kartiganer, Herbert L. & Marjorie N. ✓  
557 Blooming Grove Turnpike ✓  
New Windsor, New York 12550 ✓
- ✓ Brophy, Ronald A. & JoAnn Sylvester ✓  
533 Blooming Grove Turnpike ✓  
New Windsor New York 12550 ✓
- ✓ Ridgecrest Baptist Church ✓  
P.O. Box 70 ✓  
New Windsor, New York 12550 ✓
- ✓ The Windsor Building Supplies Company, Inc. ✓  
P.O. Box 27 ✓  
New Windsor, New York 12550 ✓

Respectfully submitted,

ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

LAW OFFICES

*Daniel J. Bloom*

*Peter E. Bloom*

ROUTE 94 POST OFFICE BOX 477  
VAILS GATE, NEW YORK 12584

TELEPHONE (914) 561-6920

October 19, 1972

Miss Patricia DeLio  
c/o New Windsor Zoning Board of Appeals  
7 Franklin Avenue  
New Windsor, New York 12550

RE: Hunsinger and Yeoman  
537 Blooming Grove Turnpike  
New Windsor, New York 12550  
Application No. 72-20

Dear Pat:

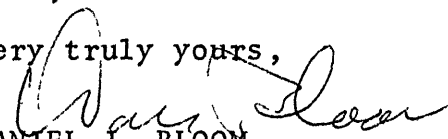
I am pleased to enclose herewith on behalf of Hugh R. Hunsinger, D.D.S., applicant in the above referenced matter, the following items:

1. Original plus one copy of public notice of hearing before the Zoning Board of Appeals.
2. Original plus one copy of application for variance.
3. Photostated copies of correspondence forwarded under cover of even date, by certified mail, return receipt requested, to each of the individuals designated for such service by Ellsworth E. Weyant, Tax Assessor.
4. Photo-copy of correspondence of even date to the Orange County Planning Department, Goshen, New York, forwarding a copy of the above referenced application for variance.
5. Our check payable to the order of the Town of New Windsor in the amount of \$25 to cover the application fee.

May I request your kind cooperation to secure publication under the appropriate town regulations in order that this hearing may be held on November 6, 1972.

Thanking you for your continuing courtesy and cooperation in this matter, I am,

Very truly yours,

  
DANIEL J. BLOOM

DJB/cae  
Enclosures